

# EXHIBIT A

1. **Plaintiff (name or names):** Cornealius Lopes, Teresa Lopes

2. This pleading, including attachments and exhibits, consists of the following number of pages: 8

a. ☐ except plaintiff (name):

- b. ☐ except plaintiff (name):

- ☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

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4. ☐ Plaintiff (name):  
is doing business under the fictitious name (specify):  
  
and has complied with the fictitious business name laws.
5. Each defendant named above is a natural person
- a. ☒ except defendant (name): Fremont Freewheelers,  
  
(1) ☐ a business organization, form unknown  
(2) ☐ a corporation  
(3) ☐ an unincorporated entity (describe):  
  
(4) ☐ a public entity (describe):  
  
(5) ☒ other (specify): non-profit organization
- b. ☒ except defendant (name): USA Cycling dba USCF, NORBA and USPRO  
  
(1) ☐ a business organization, form unknown  
(2) ☒ a corporation  
(3) ☐ an unincorporated entity (describe):  
  
(4) ☐ a public entity (describe):  
  
(5) ☐ other (specify):
- c. ☒ except defendant (name): Technology Park  
  
(1) ☒ a business organization, form unknown  
(2) ☐ a corporation  
(3) ☐ an unincorporated entity (describe):  
  
(4) ☐ a public entity (describe):  
  
(5) ☐ other (specify):
- d. ☒ except defendant (name): CB Ellison  
  
(1) ☒ a business organization, form unknown  
(2) ☐ a corporation  
(3) ☐ an unincorporated entity (describe):  
  
(4) ☐ a public entity (describe):  
  
(5) ☐ other (specify):
- ☐ Information about additional defendants who are not natural persons is contained in Attachment 5.
6. The true names of defendants sued as Does are unknown to plaintiff.
- a. ☒ Doe defendants (specify Doe numbers): 1-20 were the agents or employees of other named defendants and acted within the scope of that agency or employment.
- b. ☒ Doe defendants (specify Doe numbers): 1-20 are persons whose capacities are unknown to plaintiff.
7. ☐ Defendants who are joined pursuant to Code of Civil Procedure section 382 are (names):
8. This court is the proper court because
- a. ☐ at least one defendant now resides in its jurisdictional area.  
b. ☐ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.  
c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.  
d. ☐ other (specify):
9. ☐ Plaintiff is required to comply with a claims statute, and
- a. ☐ has complied with applicable claims statutes, or  
b. ☐ is excused from complying because (specify):

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10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

- a. ☒ Motor Vehicle
- b. ☒ General Negligence
- c. ☐ Intentional Tort
- d. ☐ Products Liability
- e. ☒ Premises Liability
- f. ☒ Other (specify): Loss of Consortium

11. Plaintiff has suffered

- a. ☒ wage loss
- b. ☐ loss of use of property
- c. ☒ hospital and medical expenses
- d. ☒ general damage
- e. ☒ property damage
- f. ☒ loss of earning capacity
- g. ☒ other damage (specify): permanent scarring and loss of feeling in lower lip; loss of seven (7) permanent teeth; loss of consortium

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. ☐ listed in Attachment 12.
- b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages
- (2) ☐ punitive damages

The amount of damages is (in cases for personal injury or wrongful death, you must check (1)):

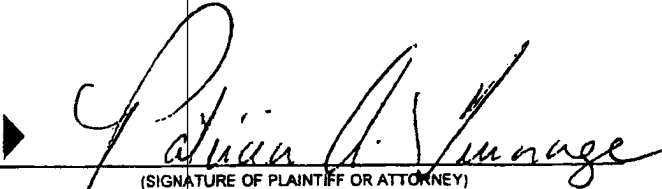
- (1) ☒ according to proof
- (2) ☐ in the amount of: \$

15. ☒ The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):  
5(a)(5); 5(c)(1); 5(d)(1)

Date: March 14, 2006

Patricia A. Turnage

(TYPE OR PRINT NAME)

  
(SIGNATURE OF PLAINTIFF OR ATTORNEY)

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ATTACHMENT (Number): ONE

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(This Attachment may be used with any Judicial Council form.)

(Add pages as required)

1. (cont'd) other named defendants: Jason Sage, USA Cycling dba USCF, NORBA & USPRO; Jeff Wu; Bob Parker, Paul Chuck, Larry Upthegrove; Lloyd Rath; Technology Park, CB Ellison and Does 1 to 20.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

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FIRST

(number)

## CAUSE OF ACTION - Motor Vehicle

Page 5

ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint

(Use a separate cause of action form for each cause of action.)

Plaintiff (name): Cornealius Lopes

MV-1. Plaintiff alleges the acts of defendants were negligent; the acts were the legal (proximate) cause of injuries and damages to plaintiff; the acts occurred on (date): June 12, 2004

at (place): Technology Park, 3900 Block of Eureka Street, Newark, California.

Plaintiff further alleges that bicycles are subject to applicable statutes of the California Vehicle Code. As such the below-named bicyclists' conduct is governed by the California Vehicle Code. Plaintiff alleges that the below-named defendants violated the applicable provisions of the California Vehicle Code, which resulted in striking plaintiff, knocking him to the ground, and causing him to lose consciousness and to suffer physical and mental injury, all to his detriment.

## MV-2. DEFENDANTS

a. ☒ The defendants who operated a motor vehicle are (names): Bob Parker, Paul Chuck, Larry Upthegrove, Lloyd Rath

☒ Does 1 to 8

b. ☐ The defendants who employed the persons who operated a motor vehicle in the course of their employment are (names):

☐ Does to

c. ☐ The defendants who owned the motor vehicle which was operated with their permission are (names):

☐ Does to

d. ☐ The defendants who entrusted the motor vehicle are (names):

☐ Does to

e. ☐ The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names):

☐ Does to

f. ☒ The defendants who are liable to plaintiffs for other reasons and the reasons for the liability are

☐ listed in Attachment MV-2f ☒ as follows:

Bob Parker, Paul Chuck, Larry Upthegrove, Lloyd Rath  
Defendants' liability is based upon their negligent and careless operation of bicycles in executing "an attack" which resulted in defendants striking plaintiff, knocking him unconscious, proximately causing him physical injury to his body, shock to his nervous system, great emotional distress, and other damages, according to proof.

☒ Does 1 to 8

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SECOND

(number)

CAUSE OF ACTION - General Negligence

Page 6

ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint

(Use a separate cause of action form for each cause of action.)

GN-1. Plaintiff (name): Cornealius Lopes

alleges that defendant (name): Fremont Freewheelers; Jason Sage; Jeff Wu; and USA Cycling dba USCF, NORBA &amp; USPRO

☒ Does 9 to 16

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant negligently caused the damage to plaintiff

on (date): June 12, 2004

at (place): Technology Park, 3900 Block of Eureka St., Newark, California

(description of reasons for liability):

Defendants, and each of them, knew that plaintiff was present and was jogging on what they deemed to be the course for the bicycle race, known as Fremont Freewheelers Criterium. At all times mentioned herein, defendants, and each of them, owed a duty of care to plaintiff not to place him in harm's way and not to conduct the race while he was on the course. Defendant Jason Sage, as an individual and acting on behalf of Fremont Freewheelers as a race promotor, Jeff Wu as referee, and all other defendants named herein decided to start the race while plaintiff was running on the course, knowing that it was dangerous to do so. Such conduct on the part of the defendants, and each of them, was negligent, careless and constitutes a breach of the duty of care. As a proximate result of the breach of duty of care by defendants, and each of them, plaintiff has been physically and emotionally injured, in his mind and his body, and has experienced pain and suffering, and has been damaged.

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THIRD

(number)

## CAUSE OF ACTION - Premises Liability

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ATTACHMENT TO ☒ Complaint ☐ Cross-Complaint

(Use a separate cause of action form for each cause of action.)

Prem.L-1. Plaintiff (name): Cornealius Lopes

alleges the acts of defendants were the legal (proximate) cause of damages to plaintiff.

On (date): June 12, 2004

plaintiff was injured on the following premises in the following

fashion (description of premises and circumstances of injury):

As a member of the public, plaintiff was invited to come upon the premises and to jog through Technology Park, in Newark, California. At the time plaintiff jogged on the premises, a bicycle race, Fremont Freewheelers Criterium, was going on. The lack of written notice to plaintiff and to the public, the lack of barriers and cones to protect plaintiff from injury, created a dangerous condition on premises. As a proximate result of the existence of a dangerous condition on the premises, plaintiff was mowed down by bicyclists during the race, and suffered, *inter alia*, loss of consciousness, loss of seven permanent teeth, injury to his neck and back, permanent scarring and loss of feeling in his lower lip.

Prem.L-2. ☒ **Count One-Negligence** The defendants who negligently owned, maintained, managed and operated the described premises were (names): Technology Park, CB Ellison

☒ Does 17 to 20

Prem.L-3. ☒ **Count Two-Willful Failure to Warn** [Civil Code section 846] The defendant owners who willfully or maliciously failed to guard or warn against a dangerous condition, use, structure, or activity were (names): Technology Park

☒ Does 17 to 20Plaintiff, a recreational user, was ☒ an invited guest ☐ a paying guest.

Prem.L-4. ☒ **Count Three-Dangerous Condition of Public Property** The defendants who owned public property on which a dangerous condition existed were (names): Technology Park

☒ Does 17 to 20

- a. ☐ The defendant public entity had ☐ actual ☐ constructive notice of the existence of the dangerous condition in sufficient time prior to the injury to have corrected it.
- b. ☐ The condition was created by employees of the defendant public entity.

Prem.L-5. a. ☒ **Allegations about Other Defendants** The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names): CB Ellison

☒ Does 17 to 20

- b. ☐ The defendants who are liable to plaintiffs for other reasons and the reasons for their liability are ☐ described in attachment Prem.L-5.b ☐ as follows (names):



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(Add pages as required)

FOURTH CAUSE OF ACTION ---LOSS OF CONSORTIUM-(As to all Named Defendants and Does 1 to 20)

On or about June 12, 2004, and at all relevant times mentioned herein, plaintiff, Teresa Lopes, was and is the spouse of plaintiff, Cornealius Lopes. As a proximate result of defendants', and each of them, negligent conduct, Cornealius Lopes was injured, both physically and emotionally. His injuries resulted in a loss of consortium to Teresa Lopes, his spouse, as she was deprived of the love, joy, comfort and society of her spouse, all to her detriment.

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